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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

12 SANTANA ROW HOTEL PARTNERS, L.P., ) CASE NO.: C 05-00198 JW  
13 Plaintiff, )  
14 v. )  
15 ZURICH AMERICA INSURANCE )  
16 COMPANY and GALLAGHER-PIPINO, )  
17 INC., )  
18 Defendants. )  
\_\_\_\_\_  
Complaint Filed: January 12, 2005

**STIPULATION AND ORDER REGARDING  
THE CONTINUANCE OF THE HEARING  
DATE FOR THE MOTIONS/CROSS-  
MOTIONS FOR PARTIAL SUMMARY  
JUDGMENT AND THE ISSUES TO BE  
BRIEFED ON THE MOTIONS/CROSS-  
MOTIONS FOR PARTIAL SUMMARY  
JUDGMENT**

WHEREAS, the parties hereto have encountered certain difficulties completing the discovery necessary to adequately brief the motions/cross-motions for partial summary judgment referenced in the Court's Order dated May 24, 2005; and

24 WHEREAS, the parties hereto desire further clarification from the Court regarding the issues  
25 to be briefed in said motions/cross-motions;

26 IT IS THEREFORE STIPULATED by and between the parties hereto through their  
27 respective attorneys of record as follows:

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1. The hearing on the motions/cross-motions for partial summary judgment is continued from October 24, 2005 to December 19, 2005 at 9:00 a.m.; and
2. The Case Management Conference currently scheduled for October 24, 2005 will remain on calendar. At that time, counsel for the parties will seek clarification from the Court regarding the issues to be briefed in the motions/cross-motions for partial summary judgment. No less than 10 days before the hearing, the parties will submit a short, joint statement regarding the issues upon which they seek clarification.

DATED: August , 2005

JONES TURNER, LLP

By: \_\_\_\_\_  
Steven D. Turner  
Attorneys for Defendant ZURICH AMERICAN  
INSURANCE COMPANY

DATED: August   , 2005

RUBY & SCHOFIELD

By: \_\_\_\_\_  
Steve Ellenberg  
Attorneys for Plaintiff SANTANA ROW  
HOTEL PARTNERS, L.P.

DATED: August , 2005

SELVIN WRAITH HALMAN, LLP

By: \_\_\_\_\_  
Gary R. Selvin  
Attorneys for Defendant GALLAGHER-  
PIPINO, INC.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED:

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The Honorable James Ware  
United States District Judge

8 DATED: August 4, 2005  
9

JONES TURNER, LLP

By: Steven D. Turner  
Attorneys for Defendant ZURICH AMERICAN  
INSURANCE COMPANY

13 DATED: August 3, 2005

RUBY & SCHOFIELD

\_\_\_\_\_

18 DATED: August 3, 2005

SELVIN WRAITH HALMAN, LLP

By: Gary R. Selvin  
Gary R. Selvin  
Attorneys for Defendant GALLAGHER-  
PIPINO, INC.

**24 PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 DATED: 8/4/05

/s/ James Ware  
The Honorable James Ware  
United States District Judge